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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/04/2003

Nicolas C. Rivron

1023-271US02

8584.

28863 7590 02/08/2008
SHUMAKER & SIEFFERT, P. A.
1625 RADIO DRIVE
SUITE 300
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EXAMINER

PELLEGRINO, BRIAN E

ART UNIT

PAPER NUMBER

3738

NOTIFICATION DATE

DELIVERY MODE

02/08/2008

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Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10656855	9/4/03	RIVRON ET AL.	1023-271US02

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EXAMINER

Brian E. Pellegrino

ART UNIT	PAPER
3738	20080202

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Commissioner for Patents

The reply brief filed 11/13/07 has been considered and entered. Applicant argues that there is a criticality to rubbing and asserts a special definition of being transverse. However, limitations from the specification are not read into the claims. Additionally, PTFE is made up of nodes and fibrils throughout, thus any rubbing done across the surface of the material will be transverse to nodes and fibrils. Thus, the modification of Sato is well within the skill of an expert in the art such that the results would be predictable to cause recesses to be formed as any type or form of rubbing is conducted. In response to applicant's argument that the Sato reference fails to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., lifted or raised nodes exclude fibrils from being lifted) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Since already mentioned, nodes and fibrils are interconnected, the Examiner would like to know how can a node or fibril be lifted without lifting the other? Applicant argues Dzau cannot result in the function of forming recesses by a frictional force of a fluid applied to the surface, but fails to state how the claimed invention is any different than the frictional fluid applied to Dzau surfaces such that it cannot produce the results. The application has been forwarded to the Board of Patent Appeals and Interferences for decision on the appeal.

BRIAN E. PELLEGRINO
PRIMARY EXAMINER